IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION No.12801 of 1999

Between:

Jupudi Purushotham, S/o. J.Yohan,
Tadepalligudem, W.G.District.

..... PETITIONER

AND

1 The Commissioner, Tadepalligudem Municipality,
Tadepalligudem, W.G.District.
2 The Director of Town & Country Planning,

Government of A.P., A.C.Gardens , Saifabad,
Hyderabad.
3 The District Collector,
W.G.District, Eluru.
4 The Secretary to Government, Department of Revenue ,
Government of A.P., Secretariat,
Hyderabad.
5 The Secretary to Government, Municipal Administration and

Urban Development, Government of A.P., Secretariat,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more in the nature of Writ of mandamus declaring

the action of the respondent in not extending the Karanal Choultry Road to the Jubilee Road situated in the 5th ward of the Tadepalligudem Municipality, W.G. District, as illegal, arbitrary, unjust and unconstitutional, while issuing a consequential direction to the respondents to connect the road of Karanala Choultry to the Jubilee Road situated in 5th Ward of the Tadepalligudem Municipality, W.G. District either by removing the encroachment or acquiring the land at the earliest in the interest of justice.

Counsel for the Petitioner: Mr.D.GOVARDHANACHARY

Counsel for Respondent No.1: Mr. DAMMALAPATI SRINIVAS

Counsel for Respondent Nos.2 to 5: G.P. FOR GAD & HOUSING

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

This writ petition was filed in public interest to challenge the inaction on the part of the respondents in not extending the Karanal Choultry Road to Jubilee Road situate in 5th Ward of Tadepalligudem Municipality, West Godavari District, as arbitrary and illegal, with further direction for construction of the road.

After notice, counter affidavit was filed by the Director, Town and Country Planning, Hyderabad on 6th August 2002, stating that Karnala Road has an access from existing road on Miriyalavari Street and has another road connecting main road opposite to Court building. The road petitioned for formation in the writ petition is just 120 ft. away from Miriyalavari Street and two buildings away to the main road, and the Municipal Commissioner, Tadepalligudem in his letter has stated that the subject matter was placed before the Council, which by resolution has resolved to acquire the land in public interest for the formation of the road.

In view of the stand taken by the respondents that the Council had taken a decision to acquire the land for the purpose of formation of road, no further directions need be issued in this writ petition and hence, we hereby close the same.

_____

(DEVINDER GUPTA, C.J.)

22nd November 2004.

(M. NARAYANA REDDY, J.)

ARS

To

1 The Commissioner, Tadepalligudem Municipality,
Tadepalligudem, W.G.District.
2 The Director of Town & Country Planning,

Government of A.P., A.C.Gardens , Saifabad,
Hyderabad.
3 The District Collector, W.G.District, Eluru.
4 The Secretary to Government, Department of Revenue ,
Government of A.P., Secretariat, Hyderabad.
5 The Secretary to Government, Municipal Administration and

Urban Development, Government of A.P., Secretariat,
Hyderabad.

6 Two C.Cs to Govt. Pleader for GAD & Housing, High Court Bldgs.,

Hyderabad (OUT).

7 Two CD copies.